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PERMANENT MISSION OF THE REPUBLIC OF INDONESIA
TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS

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S T A T E M E N T

B Y

THE INDONESIAN OBSERVER DELEGATION TO THE 44TH SESSION OF THE SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

GENEVA, 17 AUGUST 1992

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Mr. Chairman,

Let me first congratulate you upon your election to the Chairmanship of the Sub-Commission and wish you every success in your endeavours. My congratulations also go to your distinguished colleagues in the Bureau. My Delegation has always followed with keen interest the work of the Sub-Commission because of the great importance that we attach to it. Therefore we always feel distressed whenever we observe this respectable forum being abused by irresponsible quarters who reduce it into an arena of propaganda and disinformation. Regrettably, such an unfortunate situation is developing again this year. Several speakers, under item 6 of the agenda, have made references to the so-called question of East Timor and to the Dili incident of 12 November 1991 as well as its aftermath, characterized by flagrant exaggeration, extreme dramatization and self-serving selectivity. It is out of respect to this esteemed forum that my Delegation deems it necessary to, once again, set the record straight.

References were made by some speakers to the political aspects of the so-called East Timor question, in total disregard of the nature and mandate of the Sub-Committee. Since nothing new has been said in this respect, to the extent that the same old disinformation and misleading arguments have just been repeated by the very same speakers in the Decolonization Committee in New York only a couple of days ago, I shall not waste the precious time of the Sub-Commission by addressing these political issues. Suffice for me to make available the statement of the Indonesian delegation before the Decolonization Committee on 28 July 1992

and other relevant material to those who are still interested.

Mr. Chairman,

With regard to the Dili incident, ten months have elapsed, most of the facts have been clarified, decisive legal actions have been taken to uphold justice, yet there are still those who seem to be hard-headed enough to try to continue misusing it in their campaign to discredit Indonesia. References were made to the proceedings in the Commission on Human Rights last February and the distinguished members of the Sub-Commission were reminded of the statement by the Chairman of the Commission on the issue which, as a package, was agreed upon by consensus. Accusations were also made to the effect that Indonesia has failed to honour the consensus or even lacked good faith. So, let us look back at that consensus to see what has actually happened and let me pinpoint what elements of the package several speakers, for their own convenience, have preferred to ignore.

First and foremost, an important element underlying the thrust and spirit of the Chairman's statement was the clear recognition by the Commission on Human Rights that what happened in Dili on 12 November 1991 was an incident and not a massacre, as some speakers have stubbornly claimed. And if the speaker happened to be a party to the consensus, that is a lack of good faith. Being an incident, it had, by definition, nothing to do with the policy of the Indonesian Government, nor did it reflect the deliberate action of the military authority in East Timor.

The consensus clearly implied that the Commission on Human Rights considered unfounded any accusation that linked the Indonesian Government or the military authority in East Timor with the incident. And if a party to the consensus maintained such an accusation, that is a blatant lack of good faith.

The Commission on Human Rights was also straightforward in welcoming the early actions taken by the Indonesian Government, inter alia to set up a national commission of inquiry, as well as its prompt response to take disciplinary measures against the responsible military personnel and to engage in military court proceedings. Furthermore, the arrangement made independently by the Indonesian Government and the UN Secretary General on the sending of his Personal Envoy, Mr. Amos Wako, under a specific mandate and precise terms of reference, was also welcomed by the Commission. Therefore, it should have been clear by then that the international credibility of the various actions taken by the Indonesian Government were beyond question. And if a party to the consensus still refuses to acknowledge the credibility of those actions and still tries ex-post facto to twist the terms of reference of the UN Secretary General's Personal Envoy, that is a lack of good faith.

Mr. Chairman,

The same Chairman's statement expressed the hope that, as announced by the Indonesian Government, further investigation into the fate of those unaccounted for would clarify the remaining discrepancies, namely on the number of people killed

and those missing. Let me take this opportunity to inform the Sub-Commission that as a result of steps undertaken, regardless of whether or not there was a Chairman's Statement, the Chief of the Armed Forces reported to the President on 14 July 1992 that the total number of those missing was 115. This figure is higher than that estimated by the National Commission of Inquiry. Out of the 115, 31 have returned home and 18 were found dead with the location of their graves known. Thus, there are 66 persons still unaccounted for. It is believed that a number have escaped to the jungle. The military authorities are still continuing to do their utmost to investigate the cases of those still missing.

With respect to the part of the Statement which called upon the Indonesian authorities to ensure that those civilians brought to trial are assured of proper legal representation and fair trial, and that those not involved in violent activities are released without delay, let me just say that from the 308 persons who were questioned in Dili after the incident, 300 have subsequently been released, leaving only 8 detained. While among the 70 persons who were questioned in Jakarta, 66 have also been subsequently released, leaving only 4 detained. Those put on trial have been proven to be involved in violent activities. Some of them, such as Gregorio da Cunha Saldhana, Francisco Miranda Branco and Carlos dos Santos Lemos, were the masterminds behind the violence and were found guilty of acts involving the state's security, in violation of Law no 5 of 1969. In a testimony before the trial, one defendant, Joao Freitas da Camara, even confessed that he received foreign assistance to fund the demonstration.

Some other defendants straightforwardly admitted their guilt and applied for clemency. The trials have been conducted in accordance with the existing laws, have been open to the public and indeed attended by foreign observers, who have been allowed access to East Timor. May I just add that this fair treatment and correct legal proceedings would have taken place in any case, even without a statement from the Chairman of the Commission on Human Rights.

At the same time, the military personnel who were accused of misconduct during the incident were brought to the military tribunal and found guilty of insubordination. They were sentenced to jail. There have been allegations that the sentences of the military personnel are too lenient as compared to those of the civilians. Let me assure the Sub-Commission that the trials of both the civilians and the military personnel have been carried out exactly in accordance with the respective applicable laws. If the crimes committed were the same, the military personnel would have, most certainly, got heavier sentences. But, it would be a misleading over-simplification to judge cases by merely comparing the degree of sentences given to the civilians and the military personnel, without due regard to the fundamentally different nature of the offenses committed. As in all other credible legal systems, we were determined that ours was also sterilized from politicking, extraneous pressures and the so-called "media-trial".

Mr. Chairman,

Let me just conclude by saying that like any other place in the world, Indonesia, including East Timor, is far from being a paradise, but neither is it as hellish as some speakers have tried to paint it. Generally speaking, the situation in East Timor has much improved. Its people have more or less recovered from the trauma of the incident. They have just participated actively in the nationwide general elections held on 9 June 1992. And for the sake of the East Timorese people, we consider it our priority duty to see to it that the newly-healed wound will not reopen. We would highly appreciate it if the Sub-Commission could kindly adopt a helpful attitude in this respect.

Thank you.